

ESTANISLAO AGABIN, PETITIONER-APPELLANT, VS. HON. RAQUEL REYES-AGLAUA, THE PRESIDING JUDGE OF MUNICIPAL TRIAL COURT IN CITIES, BRANCH 01, TUGUEGARAO CITY, CAGAYAN AND CONCEPCION...

Ponente: GARCIA, R.R., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5a6a6a3535e8/>

GARCIA, R.R., J.:

Before Us is an appeal from the Decision[1] dated November 11, 2013, of the Regional Trial Court, Branch 02, Tuguegarao City in Special Civil Action No.2 which dismissed the petition for certiorari filed by herein petitioner-appellant Estanislao Agabin; and the Order[2] dated March 21, 2014 denying the motion for reconsideration[3] thereof.

THE FACTS

On February 1, 2010, respondent-appellee Concepcion Piga filed an Affidavit-Complaint[4] for malicious mischief against petitioner-appellant Estanislao Agabin before the Prosecutor's Office of Tuguegarao City. It was alleged that petitioner-appellant deliberately destroyed the perimeter fence of respondent-appellee causing an estimated damage of P140,000.00. After finding probable cause, the City Prosecutor filed the corresponding Information[5] dated March 1, 2010 charging petitioner-appellant with malicious mischief under Article 327, in relation to Article 329, No. 1 of the Revised Penal Code, before the Municipal Trial Court in Cities (MTCC) of Tuguegarao City.

Trial on the merits ensued thereafter.

In a Decision[6] dated December 18, 2011, the MTCC found petitioner-appellant guilty beyond reasonable doubt of the crime charged and sentenced him to suffer the straight penalty of four (4) months of imprisonment.

On January 25, 2012, petitioner-appellant filed a Motion for Reconsideration but the same was denied in an Order[7] dated March 7, 2012 for being a prohibited pleading under the Revised Rules of Summary Procedure (RRSP).

On March 26, 2012, petitioner-appellant filed a Notice of Appeal[8] but this was not given due course by the MTCC in an Order[9] dated March 27, 2012 for having been filed out of time. It was ratiocinated that the motion for reconsideration, which is a prohibited pleading, did not suspend the running of the period of appeal. Hence, the MTCC decision has become final and executory.

A Motion for Reconsideration[10] was again filed on April 11, 2012 by petitioner-appellant but this was denied in an Order[11] dated May 21, 2012 reiterating that the assailed decision has already attained finality.

Consequently, petitioner-appellant filed on July 30, 2012 a Petition for Certiorari[12] before the Regional Trial Court of Tuguegarao City. Petitioner-appellant ascribed grave abuse of discretion on the part of the MTCC for not giving due course to the Notice of Appeal.

In the assailed Decision[13] dated November 11, 2013, the court a quo dismissed the petition for certiorari affirming the ruling of the MTCC that the Motion for Reconsideration filed on January 25, 2012 by petitioner-appellant is a prohibited pleading under the RRSP. The MTCC's act of setting the motion for hearing and ultimately denying it for being a prohibited pleading does not give petitioner-appellant a fresh period to file his appeal. The filing of the said Motion for Reconsideration did not stop the running of the period of appeal of the MTCC judgment. As such, at the time the Notice of Appeal was filed by petitioner-appellant, the MTCC judgment has lapsed into finality. The pertinent portions of the said Decision are quoted:

Petitioner raises the sole issue of whether or not the public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when she did not give due course to the Notice of Appeal duly filed by him thereby depriving petitioner of his right to appeal.

Petitioner emphasizes that the public respondent did not give due course to the appeal made by petitioner on the ground that the same was filed out of time. He argues that the Decision convicting him of the crime of Malicious Mischief was promulgated on January 11, 2012 and hence, when he filed the said motion on January 25, 2012, it was still within the reglementary period to avail of any post-judgment remedy. While conceding that indeed the motion for reconsideration was a prohibited pleading, petitioner argues that the public respondent should not have entertained it or denied it outrightly. Since the public respondent entertained the said motion for reconsideration and denied it only on March 13, 2012, he is thus given a fresh period to file his appeal until March 28, 2012.

The petition is devoid of merit.

The Information filed against the petitioner charged him with the crime of Malicious Mischief. xxx

xxx Clearly, the crime charged against the petitioner is governed by the Rules of Summary Procedure. Concurrently, the court a quo was correct in finding the Motion for Reconsideration to be a prohibited pleading as provided under Section 19(c) of the Rules of Summary Procedure.

Will the act of public respondent of entertaining the Motion for Reconsideration, setting it for hearing and ultimately deciding against it be constituted as giving a "fresh period" for appeal to the petitioner? The answer is in the negative.

The case of Edillo vs. Dulpina stated: Specifically, Section 19(c) of the Rules of Summary Procedure and Section 13(c) of Rule 70 of the Rules of Court consider a motion for reconsideration of a judgment a prohibited pleading. Thus, when the plaintiffs-respondents filed on June 5, 2007 a Motion for Reconsideration of the MCTC Judgment, the motion did not stop the running of the period for appeal. With the continuous running of this period, the May 23, 2007 MCTC Judgment (which the plaintiffs-respondents received through counsel on May 31, 2007) had long lapsed to finality when plaintiffs-respondents filed their Notice of Appeal on July 30, 2007.

Similarly, even if the public respondent accepted, gave due course and set the Motion for Reconsideration for hearing, this does not cure the failure of the petitioner to timely file a post-judgment remedy of an appeal.

WGHEREFORE, premises considered, the petition is hereby DISMISSED for lack of merit.[14]

Petitioner-appellant filed a Motion for Reconsideration[15] but the same was denied in an Order[16] dated March 21, 2014.

Aggrieved, petitioner-appellant filed the instant appeal, raising the following grounds[17] for its allowance, to wit:

I.THE NEGLIGENCE OF THE COUNSEL IS SO GROSS THAT WOULD WARRANT THE RELAXATION OF RULES TO PREVENT GREAT INJUSTICE AND IRREPARABLE DAMAGE OR

INJURY TO THE ACCUSED.

II.THE MTCC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ENTERTAINED THE MOTION FOR RECONSIDERATION FULLY COGNIZANT THAT THE CASE UNDER CONSIDERATION WAS COVERED BY THE SUMMARY RULES OF PROCEDURE AND ONLY TO DECLARE THE MOTION A PROHIBITED PLEADING THEREBY CAUSING PETITIONER TO LOSE HIS RIGHT TO APPEAL WITHIN THE REGLEMENTARY PERIOD.

III.THE MTCC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT RULED THAT PETITIONER IS GUILTY OF MALICIOUS MISCHIEF DESPITE THE ADMISSION IN HER DECISION THAT THERE IS NO DIRECT EVIDENCE THAT WILL SHOW THAT HE DESTROYED THE SUBJECT FENCE.

THE ISSUE

The main issue in this case is whether or not the court a quo erred in dismissing the Petition for Certiorari filed by petitioner.

THE COURT'S RULING

The appeal is not impressed with merit.

Petitioner-appellant contends that the MTCC gravely abused its discretion in entertaining the Motion for Reconsideration and setting it for hearing instead of dismissing it outright. It took the MTCC 42 days from receipt of the Motion for Reconsideration before eventually denying it for being a prohibited pleading. As a result, petitioner-appellant lost his right to avail the remedy of appeal since at the time the motion was denied, the reglementary period for filing appeal has already expired.

We do not agree.

At the outset, it must be pointed out that the crime charged against petitioner-appellant is malicious mischief, the imposable penalty of which is arresto mayor in its medium and maximum periods if the value of the damage caused exceeds P1,000.00, thereby placing the subject criminal case under the coverage of the Revised Rules on Summary Procedure.

In *Caliwan vs. Ocampo, et al.*, [18] it was held that the 1991 Revised Rules on Summary Procedure was promulgated to achieve an expeditious and inexpensive determination of cases. It was conceptualized to facilitate the immediate resolution of cases. Respect for the Rule on Summary Procedure as a practicable norm for the expeditious resolution of cases like the one at bar could have avoided lengthy litigation that has unduly imposed on the time of the Court.[19]

Pursuant to the avowed intention of the Rule on Summary Procedure, Section 19 thereof provides:

SECTION 19. Prohibited Pleadings and Motions. — The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:

- (a) Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter, or failure to comply with the preceding section;
- (b) Motion for a bill of particulars;
- (c) Motion for new trial, or for reconsideration of a judgment, or for reopening of trial;
- (d) Petition for relief from judgment;
- (e) Motion for extension of time to file pleadings, affidavits or any other paper;

- (f) Memoranda;
- (g) Petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court;
- (h) Motion to declare the defendant in default;
- (i) Dilatory motions for postponement;
- (j) Reply;
- (k) Third party complaints;
- (l) Interventions. (emphasis, supplied)

As can be gleaned from the records, after petitioner-appellant was convicted of the crime of malicious mischief by the MTCC, he filed a Motion for Reconsideration[20] dated January 25, 2012, which is, undeniably, a prohibited pleading under the aforecited rule.

Jurisprudence is replete that a prohibited pleading does not suspend the running of the period of appeal.[21] In *Edillo vs. Dulpina*[22], therein plaintiffs filed a complaint for forcible entry against defendants therein before MCTC, which dismissed the complaint on May 23, 2007. Plaintiffs filed a Motion for Reconsideration on June 5, 2007 but the same was denied. Plaintiffs then filed a Notice of Appeal on July 30, 2007 which was given due course. The RTC set aside the MCTC judgment and ordered defendants to vacate the property. Eventually, defendants elevated the case to the Supreme Court via petition for review on certiorari wherein it was held that the Motion for Reconsideration filed by plaintiffs is a prohibited pleading under the Rules on Summary Procedure, hence, it did not stop the running of the period of appeal. Consequently, the RTC has no jurisdiction to entertain plaintiffs' appeal since the MCTC judgment dismissing the case has become final and executory. We quote:

Our examination of the defendants-petitioners' petition preliminarily tells us that it is not without merit, which merit would remain unventilated unless we relax our application of the technical requirements applicable to their appeal. The question, too, that the defendants-petitioners pose is not a minor one as it involves a very basic question of law — whether the RTC has jurisdiction to entertain an appeal from a final and executory MCTC decision. According to the defendants-petitioners, the plaintiffs-respondents' filing of a motion for reconsideration of the MCTC judgment did not stop the running of the period for appeal since a motion for reconsideration is a prohibited pleading under the RRSP.

We agree with the defendants-petitioners.

Jurisdiction over forcible entry and unlawful detainer cases belongs to the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts. The RRSP applies to prevent undue delays in the disposition of cases; to achieve this end, the filing of certain pleadings – a motion for reconsideration, among others – is prohibited.

Specifically, Section 19 (c) of the Rules of Summary Procedure and Section 13 (c) of Rule 70 of the Rules of Court consider a motion for reconsideration of a judgment a prohibited pleading. Thus, when the plaintiffs-respondents filed on June 5, 2007 a Motion for Reconsideration of the MCTC Judgment, the motion did not stop the running of the period for appeal. With the continuous running of this period, the May 23, 2007 MCTC judgment (which the plaintiffs-respondents received through counsel on May 31, 2007) had long lapsed to finality when the plaintiffs-respondents filed their Notice of Appeal on July 30, 2007.

xxx

WHEREFORE, in light of all the foregoing, we hereby REVERSE and SET ASIDE the Resolutions dated January 28, 2009 and June 11, 2009 of the Special Former Special Division of Five of the Court of Appeals in CA-G.R. SP No. 02436-MIN. The Decision dated November 7, 2007 and Order dated July 1, 2008 of the Regional Trial Court, Branch 31, Dapa, Surigao del Norte are ANNULLED. The Judgment dated May 23, 2007 of the Municipal Circuit Trial Court, Del Carmen-San Isidro-San Benito, Surigao del Norte is REINSTATED. Costs against the plaintiffs-respondents. (emphasis supplied)

In the instant case, the Motion for Reconsideration[23] dated January 25, 2012, being a prohibited pleading, did not toll the running of the period within which to file an appeal, which expired fifteen (15) days after petitioner-appellant received a copy on January 11, 2012 of the MCTC Decision dated December 18, 2011. Thus, when petitioner-appellant filed the Notice of Appeal on March 26, 2012, a total of 75 days[24] had already lapsed from the time the MCTC Decision was rendered. As the MCTC decision has lapsed into finality, the same can no longer be the subject of an appeal. Under the given facts, the court a quo was correct in holding that no grave abuse of discretion can be ascribed on the part of the MTCC for denying the Motion for Reconsideration and for not giving due course to the Notice of Appeal.

It may be well to emphasize that a judgment that has become final and executory is immutable and unalterable; the judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest Court of the land.[25] The reason for this is that, a litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Courts must guard against any scheme calculated to bring about that result and must frown upon any attempt to prolong controversies.[26]

In view of the foregoing, We find no compelling reason to depart from the assailed ruling of the court a quo.

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Decision dated November 11, 2013, of the Regional Trial Court, Branch 02, Tuguegarao City is hereby AFFIRMED.

SO ORDERED.

Salazar-Fernando, R.A., (Chairperson), and Bueser, D.,Q., JJ., concur.

[1] Decision penned by Presiding Judge Amy Vilma T. Pauig, Rollo, pp. 7-9.

[2] Rollo, p. 92.

[3] Rollo, pp. 87-91.

[4] Rollo, pp. 44-45.

[5] Rollo, p. 46.

[6] Rollo, pp. 49-57.

[7] Rollo, pp. 68-69.

[8] Rollo, p. 70.

[9] Rollo, p. 71.

[10] Rollo, pp. 72-73.

[11] Rollo, pp. 74-75.

[12] Rollo, pp. 76-83.

[13] Rollo, pp. 7-9.

[14] Rollo, pp. 7-9.

[15] Rollo, pp. 87-90.

[16] Rollo, p. 92.

[17] Rollo, pp. 30-31.

[18] G.R. No. 183270. February 13, 2009.

[19] Id. citing Santiago vs. Guadiz, Jr., G.R. No. 85923, February 26, 1992, 206 SCRA 590, 599.

[20] Rollo, pp. 58-64.

[21] Villamor vs. COMELEC, et al., G.R. No. 169865, July 21, 2006; SEC vs. PICOP, G.R. No. 164314, September 26, 2008 citing Land Bank of the Philippines vs. Ascot Holdings and Equities, Inc, G.R. No. 175163, October 19, 2007; Heirs of Gaudiano vs. Benemerito, G.R. No. 174247, February 21, 2007.

[22] G.R. No. 188360, January 21, 2010.

[23] Rollo, pp. 58-64.

[24] The running of the 15-day reglementary period of perfecting an appeal is reckoned from the day the MCTC decision was received by petitioner-appellant on January 11, 2012.

[25] Philippine Veterans Bank vs. Ramon Valenzuela, G.R. No. 163530, March 9, 2011 citing National Tobacco Administration vs. Castillo, G.R. No. 154124, August 13, 2010; Spouses William Genato and Rebecca Genato vs. Viola, G.R. No. 169706, February 5, 2010; Spouses Heber and Charlita Edillo v.s Spouses Norberto and Desideria Dulpina, G.R. No. 188360, January 21, 2010.

[26] Marmosy Trading Inc. vs. Court of Appeals, et al., G.R. No. 170515, May 6, 2010 citing Sacdalan vs. Court of Appeals, G.R. No. 128967, May 20, 2004, cited in Obieta vs. Cheok, G.R. No. 170072, September 3, 2009.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.